IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO.67 OF 2005 IN SUIT NO.648/2004

Babulal K. Paliwal and anr. ....Plaintiffs.
Vs,
Omprakash K. Jain and ors. ....Defendants.
And
Prakash K. Rangwala. ....Intervenor.

Mr. D. D'Mello for the Plaintiffs.
Mr.P.K. Rangwala, Applicant in person.
Mr.M.I.T. Patel Master & Associates.

CORAM : A.M. KHANWILKAR, J.
DATED : 14/6/2005

P.C.:

1. The substance of the grievance of the applicant is that he claims to be in possession of CTS No.4/Part which is open land admeasuring about 1494.199sq.mtrs.It is alleged that under the guise of orders of this court, plaintiffs attempted to disposses the applicant with the help of the court receiver from the said property, which is not the subject matter of the suit pending before this court.

2. The representative of the court receiver on the other hand states that the visit on the said plot

was made only for the purpose of demarcating the entire plot CTS Nos. 4 and 5. He further states that the court receiver has taken over symbolic possession of the portion of the plot, which is part of CTS No.4 and which is the subject matter of the suit. He expressly states that it is not in contemplation to take over the possession of the portion of the plot which the applicant claims to be in possession, which is other part of CTS No.4.

3. If it is so, the apprehension expressed by the applicant is ill-advised. It is however, clarified that, in the event, the court receiver decides to take possession of the plot that is in occupation of the applicant, prior notice be given to the applicant in that behalf by the court receiver to enable the applicant to establish his claim so as to resist the proposed action of his dispossession. If there is any controversy or dispute, court receiver to file report and place it before the court for necessary directions before precipitating the matter. Chamber summons disposed of accordingly.

(A.M. KHANWILKAR,J.)